

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent Application of

Atty Dkt. 2752-59

C# M#

GALA et al

TC/A.U.

1634

Serial No. 10/074,246

Examiner: SWITZER, Juliet

Caroline

Filed: February 14, 2002

Date: August 16, 2004

Title: IDENTIFICATION OF NUCLEOTIDE SEQUENCES SPECIFIC FOR  
MYCOBACTERIA AND DEVELOPMENT OF DIFFERENTIAL DIAGNOSIS  
STRATEGIES FOR MYCOBACTERIAL SPECIES

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE**

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☒ **Correspondence Address Indication Form Attached.****Fees are attached as calculated below:**

Total effective claims after amendment 10 minus highest number  
previously paid for 34 (at least 20) = 0 x \$ 18.00 \$ 0.00

Independent claims after amendment 7 minus highest number  
previously paid for 16 (at least 3) = 0 x \$ 86.00 \$ 0.00

If proper multiple dependent claims now added for first time, add \$290.00 (ignore improper) \$ 0.00

Petition is hereby made to extend the current due date so as to cover the filing date of this  
paper and attachment(s) (\$110.00/1 month; \$420.00/2 months; \$950.00/3 months) \$ 110.00

Terminal disclaimer enclosed, add \$ 110.00 \$ 0.00

☐ First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$770.00) \$ 0.00

☐ Please enter the previously unentered, filed

☐ Submission attached

**Subtotal \$ 110.00**

If "small entity," then enter half (1/2) of subtotal and subtract -\$ 0.00

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee (\$180.00) \$ 0.00

Assignment Recording Fee (\$40.00) \$ 0.00

Other: 0.00

**TOTAL FEE ENCLOSED \$ 110.00**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8<sup>th</sup> Floor  
Arlington, Virginia 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100  
BJS:pp

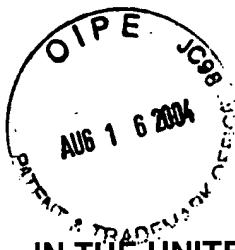
NIXON & VANDERHYE P.C.  
By Atty: B. J. Sadoff, Reg. No. 36,663

Signature: 

08/17/2004 GWORDEF1 00000004 10074246

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

GALA et al

Atty. Ref.: 2752-59; Confirmation No. 5029

Appl. No. 10/074,246

TC/A.U. 1634

Filed: February 14, 2002

Examiner: SWITZER, Juliet Caroline

For: IDENTIFICATION OF NUCLEOTIDE SEQUENCES SPECIFIC FOR  
MYCOBACTERIA AND DEVELOPMENT OF DIFFERENTIAL DIAGNOSIS  
STRATEGIES FOR MYCOBACTERIAL SPECIES

\* \* \* \* \*

August 16, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE**

Responsive to the Office Action dated June 16, 2004, the applicants elect the subject matter of the Examiner's Group I for further prosecution in the above.

Rejoinder of any process claims which may be appropriate in response to the Examiner's comments on page 3 of the Office Action are requested.

Responsive to the Examiner's comments and requirement in paragraph 5 on page 4 of the Office Action dated June 16, 2004, the applicants elect, for purposes of an initial examination, SEQ ID NO:66.

Claims 1-6, 8, 13, 22 and 23 of the elected Group are believed to read on the elected species.

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August 16, 2004

Nothing further is believed to be required in response to the Office Action of June 16, 2004, however the Examiner is requested to advise the undersigned if otherwise.

An early and favorable Action on the merits of the claimed invention is requested.

Return of an initialed copy of the PTO-1449 filed April 15, 2002, is requested with the Examiner's next Action.

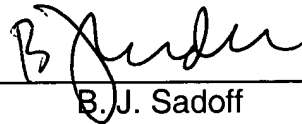
Acknowledgement of the applicants' claim for domestic priority is requested in the Examiner's next Action.

The Examiner is requested to confirm the acceptance of the formal drawings filed with the application or provide specific objection to the same in the Examiner's next communication.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_



B.J. Sadoff  
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